

IT2



Docket No. 007291.P045

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Gopinath Kuduvalli et al.

Application No: 10/652,785

Filed: August 29, 2003

For: IMAGE GUIDED RADIOSURGERY)
METHOD AND APPARATUS USING)
REGISTRATION OF 2D RADIOGRAPHIC)
IMAGES WITH DIGITALLY)
RECONSTRUCTED RADIOGRAPHS)
OF 3D SCAN DATA)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

The undersigned attorney represents that the undersigned attorney is the attorney of record for the above-referenced patent application.

The assignee of the entire right, title, and interest in and to the above-referenced patent application is Accuray Incorporated ("assignee"),
(Name of Assignee)

a Delaware corporation having a place of business at
(State of Incorporation)

1310 Chesapeake Terrace _____
(Address)
Sunnyvale, CA 94089 _____

11/01/2007 CCHAU1 00000005 10652785

01 FC:1814

130.00 DP

The terminal part of any patent granted on the above-identified application that would extend beyond the expiration of the full statutory term of

United States Patent No. 7,204,640, as presently shortened by any terminal disclaimer,

any patent granted on application number _____ is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

United States Patent No. 7,204,640,
 any patent granted on application number _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors, or assigns.

No disclaimer is being made as to any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of

United States Patent No. 7,204,640, as presently shortened by any terminal disclaimer,
 any patent granted on application number _____

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Enclosed is a check for \$ 130.00 for the fee under 37 C.F.R. § 1.20(d).

Please charge Deposit Account No. 02-2666 for any fee deficiency that may be due. A duplicate of this Terminal Disclaimer is enclosed for Deposit Account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

By: 

Dated: 10/29/07

Name: Daniel E. Ovanezian
(Type or print)

Reg. No.: 41,236

1279 Oakmead Parkway
Sunnyvale, CA 95085-4040
(408) 720-8300

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

on 10/29/07
Date of Deposit

JUANITA BRISCOE
Name of Person Mailing Correspondence

Signature

10/29/07
Date

**FEE TRANSMITTAL FOR FY 2008**

(Effective on 9/30/2007. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) \$130

Complete if Known:

Application No. 10/652,785Filing Date 8/29/03First Named Inventor Gopinath KuduvalliExaminer Name Lamprecht, JoelArt Unit 3737Attorney Docket No. 7291.P045

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify)

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

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Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity	Small Entity	Fee Description	Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code (\$)	
1011	310	2011	Utility application filing fee
1111	510	2111	Utility search fee
1311	210	2311	Utility examination fee
			1,030/515
1012	210	2012	Design application filing fee
1112	100	2112	Design search fee
1312	130	2312	Design examination fee
			440/220
1013	210	2013	Plant filing fee
1113	310	2113	Plant search fee
1313	160	2313	Plant examination fee
			680/340
1004	810	2004	Reissue filing fee
1114	510	2114	Reissue search fee
1314	620	2314	Reissue examination fee
			1,940/970
1005	210	2005	Provisional application filing fee
SUBTOTAL (1)			\$0.00

2. EXCESS CLAIM FEES**Fee Description**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>		
Fee Code	Fee (\$)	Fee Description		
1202	50	2202	25	Each claim over 20
1201	210	2201	105	Each independent claim over 3
1203	370	2203	185	Multiple dependent claims, if not paid
1204	210	2204	105	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims	– 20 or HP =	X _____	= _____
HP = highest number of total claims paid for, if greater than 20			
Independent Claims	– 3 or HP =	X _____	= _____
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims		_____	= _____
SUBTOTAL (2) \$ _____			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additonal 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	– 100 = _____ / 50 = _____ (round up to whole number)	X \$ _____		

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description:</u>		
Fee Code	Fee (\$)	Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):		
1081	260	2081	130	Utility
1082	260	2082	130	Design
1083	260	2083	130	Plant
1084	260	2084	130	Reissue

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)**4. OTHER FEE(S)**

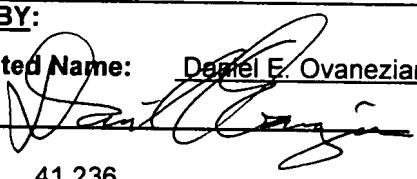
Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	
Fee	Fee	Fee	
Code	(\$)	Code	(\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1813	8,800	1813	8,800
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	120	2251	60
1252	460	2252	230
1253	1,050	2253	525
1254	1,640	2254	820
1255	2,230	2255	1,115
1401	510	2401	255
1402	510	2402	255
1403	1,030	2403	515
1451	1,510	1451	1,510
1452	510	2452	255
1453	1,540	2453	770
1501	1,440	2501	720
1502	820	2502	410
1503	1,130	2503	565
1462	400	1462	400
1463	200	1463	200
1464	130	1464	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	810	2809	405
1814	130	2814	65
1810	810	2810	405
1801	810	2801	405
1802	900	1802	900
1504	300	1504	300
1505	300	1505	300
1803	130	1803	130
1808	130	1808	130
1454	1,410	1454	1,410
Other fee (specify) _____			
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (4) \$130

SUBMITTED BY:

Typed or Printed Name: Daniel E. Ovanezian

Signature:  Date: 10/29/07

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